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INFO RUCNASE/ASEAN MEMBER COLLECTIVE
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C O N F I D E N T I A L SECTION 01 OF 03 RANGOON 000051

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TAGS: [ELAB](#) [PGOV](#) [PREL](#) [PHUM](#) [PINR](#) [BM](#)
SUBJECT: BURMA: ILO CONFIRMS FORCED LABOR IN DELTA;
MILITARY IMPROVES RESPONSE TO FORCED LABOR

REF: A. 08 RANGOON 584
[1](#)B. 08 RANGOON 875
[1](#)C. 8 RANGOON 884
[1](#)D. RANGOON 45

Classified By: Economic Officer Samantha A. Carl-Yoder for reasons 1.4
(b and d).

Summary

[1](#)1. (C) In December 2008 the ILO informally identified several cases of forced labor in the Irrawaddy Delta. Villagers had been forced to participate in routine maintenance and Cyclone clean up. The cases did not involve regime cronies nor land confiscation. The ILO has since conducted awareness training for local and military officials in two Delta townships. More broadly in Burmain the past six months, the Burmese military has improved its response to forced labor complaints, according to the ILO. The military recently resolved a case involving forced farming and land confiscation, and set a precedent that child soldiers will no longer be arrested for military desertion. Forced farming continues to be a problem, prompting the ILO to engage the GOB in a discussion on land use policies. End Summary.

Confirming Forced Labor in the Delta

[1](#)2. (C) Although the ILO has yet to receive a formal complaint of forced labor in the Irrawaddy Delta (Ref A), ILO staff have unofficially identified several cases of forced labor perpetrated by civilian authorities. In November and December, ILO staff traveled to Labutta and Mawlamyinegyn Townships, and met with several groups, all of whom admitted to being forced to clear Cyclone debris and rebuild roads but were too scared to submit a formal complaint. According to ILO Liaison Officer Steve Marshall, these types of forced labor incidents are common throughout the country, since local authorities must conduct routine maintenance on infrastructure projects without any local or federal government funding. Marshall likened this form of forced labor as a defacto tax on villagers. He emphasized that the specific cases in the Delta did not involve regime cronies

nor were they linked to land confiscation.

¶3. (C) In December, traveling with the Director General of Labor, Marshall hosted a labor awareness seminar for local authorities and military officials in Labutta and Mawlamyinegyn, educating them on forced labor and the need for employing proper labor practices. According to Marshall, the DG told all the participants that they "had been warned" and "have no excuse for any future incidents." The ILO continues to monitor the situation and reports that alleged forced labor use, in this part of the Delta at least, has stopped.

GOB Releases Forced Labor Complainants

¶4. (C) Elsewhere in Burma, according to Marshall, the Burmese military and police resolved the forced labor case involving the arrest of four ILO complainants who submitted a complaint on behalf of 63 farmers whose land was confiscated by the Army in Aung Lan Township, Magwe Division (Ref B). Marshall intervened in the case, meeting with Labor and military officials. While the Army did not return the confiscated land to the farmers, the GOB in late December provided them with equivalent arable land in nearby areas. The farmers, Marshall said, are free to plant any crop. The Army also allowed the farmers to harvest and keep the remaining crops (some of the harvest had been destroyed when the Army began construction), as well as refunded the money 30 farmers had paid to obtain permission to harvest their land. The police released three of the four complainants.

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The remaining complainant, according to the Ministry of Labor, is a political activist who is charged with violating the Secrecy Law for releasing pictures of military installations. (Note: The complainant took a picture of the confiscated farm land.) He is still in custody and awaiting trial. Marshall raised the detention with the Working Group on Labor and the Attorney General, noting the lack of evidence and the GOB's politicization of the complaint process. Marshall warned that the ILO Governing Body would review this case during its March meeting.

¶5. (C) While the solution in the Aung Lan case was not "perfect," Marshall told us he is "relatively" pleased with the outcome, as the military, which is often not responsive to the ILO, has been resolving some forced labor and farming complaints. Since October, the ILO has received two additional forced farming complaints involving multiple farmers who were ordered by local authorities to grow physic nut. The ILO plans to use these cases during discussions with the Ministries of Labor and Agriculture on land use policies, and will eventually submit these cases to the Working Group as forced labor complaints. While Marshall noted success in resolving the above-mentioned case, he observed that the GOB would have to alter its land use policy or else face continuing forced farming, forced labor, and land confiscation complaints.

Military Cooperation on Child Soldiers

¶6. (C) Although the ILO continues to receive forced labor complaints, the majority of cases it sees involve child soldier recruitment, Marshall told us. In the past six months, the military quickly resolved more than 20 child soldier cases. According to Marshall, the military set a precedent in December 2008, when it released three children under arrest for desertion, lifted all charges, and discharged them from the military, thereby determining that children who flee the army cannot be charged with desertion. However, the military did not officially change its policy. (Note: The GOB often changes policy without official notification.) Since February 2007, the military has punished 19 of 21 military officials implicated in official

complaints of child soldier recruitment, and in September 2008 began imposing additional penalties on recruiters, including loss of seniority and financial penalties (Ref B). While these steps are positive, Marshall commented that the military still needs to shift from administrative punishments to criminal punishments as determined by the Penal Code.

Comment

17. (C) The GOB, particularly the military, has improved coordination with the ILO on forced labor and child soldier cases, but it has yet to address the fundamental reasons behind forced labor practices, which in many cases are economic rather than political. In some instances, local civilian authorities use forced labor because they have no other means to get the job done, evident by the forced labor cases identified in the Delta after Cyclone Nargis. Military use of forced labor is often a different story, and while the military has resolved several cases, problems still remain. To eliminate forced labor practices, the GOB -- particularly the military -- must hold perpetrators of forced labor and child soldier recruitment accountable for their actions by imposing tougher penalties, such as prosecuting them under the existing Penal code. The GOB must grant access, as the ILO has requested, to military areas and allow the ILO to investigate forced labor allegations without a formal complaint (Ref D). These steps would increase significantly the number of cases on which the ILO could act. That the ILO was able to do awareness training in the Delta without a formal complaint is a positive step. Now the GOB needs to make greater effort to eliminate forced labor throughout the

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country.

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